

**In the United States Patent and Trademark Office**

Application Number: 10/614,139

Application Filed: July 7, 2003

Applicant: George J. Miao

Examiner/GAU: Joseph Francis A Dsouza/2611

Mailed: January 1, 2007At: Cupertino, California**A Letter To the Office Communication (Mailed on December 27, 2006)**

Technical Support Staff

Mail Stop Non-Fee Amendments

Commissioner for Patents

P. O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

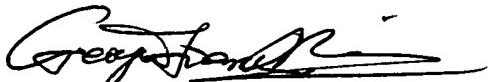
This letter is to address the Office Communication mailed on December 27, 2006, with regard to Notice Requiring Excess Claim Fees.

Applicant mailed the Amendment-A on November 27, 2006, which was received by USPTO on December 1, 2006. The Amendment-A, which is a non-fee amendment, is to address the Office Action mailed on September 19, 2006.

In the Amendment-A, there is a claim section from the page of 16 to the page of 21. On the page of 16, applicant clearly stated, "cancel the claims 1-19 and substitute new claims 20-38." This is to say that all of the record claims 1-19 have been cancelled. The substituted new claims are from 20 to 38, which only have 2 independent claims and 17 dependent claims. Thus, there is not any excess claims in the Amendment-A. Therefore, applicant requests USPTO to check the Amendment-A again and to withdraw the Office Communication (about Notice Requiring Excess Claims Fees mailed on December 27, 2006).

Also, enclosed is a copy of the office communication (mailed on December 27, 2006) for reference.

Very respectfully,



George J. Miao

----- Applicant Pro Se -----

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**Certificate of Mailing.** I hereby certify that this correspondence, if any, will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to "Mail Stop Non-Fee Amendments, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: January 1, 2007

Inventor's Signature:





# UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	MAIL DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,139	07/07/2003	George J. Miao		9021
7590 GEORGE J. MIAO 20400 VIA PAVISO, # A27 CUPERTINO, CA 95014		12/27/2006	EXAMINER DSOUZA, JOSEPH FRANCIS A	
			ART UNIT 2611	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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## NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 1/1/07 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$450, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- 1. The funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- 2. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- 4. The fee submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- 5. Other.

Explanation (*Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due:*)

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

(571) 272 - 7238

*Shane D. Caronchuk*

Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.